

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION and
THE AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiff,

12 Civ. 794 (CM)

-against-

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendants.

X

ORDER DIRECTING LIMITED GOVERNMENT RESPONSE TO PLAINTIFFS'
MOTION FOR RECONSIDERATION AND OTHERWISE DENYING THE MOTION

McMahon, J.:

The ACLU has moved for reconsideration of the court's September 30 order (released in redacted form on October 31).

The ACLU asks the court to reconsider the September 30 ruling "insofar as that ruling was predicated on a determination that the ACLU had waived its right to seek release of information relating to the factual basis for the government's targeting of Anwa-al-Aulaqi (the "Factual Basis Information"); that the government's withholding of the Factual Basis Information was lawful; or that the Second Circuit resolved the question of whether the withholding of the Factual-Basis Information was lawful." (Brief in Support of Motion for Reconsideration at pp. 1-2).

I am directing that the Government respond to the motion by next Friday, November 21. After reviewing the September 30 opinion, in its classified and unredacted form (to which, of course, plaintiffs are not privy), I direct that the Government limit its response to addressing the ACLU's argument in the context of Bies Ex. B, the unredacted version of Bies Exhibit K, which the court ordered disclosed in the September 30 decision. There is no need to address any other document; the ACLU's motion is summarily and *sua sponte* denied as to all other documents.

As is customary with this court on motions for reconsideration, no reply will be accepted. Once I receive the Government's response, you will have an immediate decision.

Dated: November 14, 2014



A handwritten signature in black ink, appearing to read "Clerk", is written over a horizontal line. Below the line, the initials "U.S.D.J." are printed in a small, sans-serif font.

BY ECF TO ALL COUNSEL